



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,469	01/14/2004	Zhi-Heng Nian	PAT-1547	5868
<div>7590 10/16/2007</div> <div>Raymond Sun Suite 155 20 Corporate Park Irvine, CA 92606</div>				
			EXAMINER KEEFER, MICHAEL E	
			ART UNIT 2154	PAPER NUMBER
			MAIL DATE 10/16/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/758,469

Applicant(s)

NIAN, ZHI-HENG

Examiner

Michael E. Keefer

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. This Office Action is responsive to the Application filed 1/14/2004.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Taiwan on 11/21/2003. It is noted, however, that applicant has not filed a certified copy of the foreign application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

If a trademark or trade name (in this case IEEE) is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of the 35 U.S.C. 112, second paragraph. Ex parte Simpson, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. In fact, the value of a trademark would be lost to the extent that it became descriptive of a product, rather than used as an identification of a source or origin of a product. Thus, the use of a trademark or trade name in a claim to identify or describe a material or product would

Art Unit: 2154

not only render a claim indefinite, but would also constitute an improper use of the trademark or trade name.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Karaoguz et al. (US 2005/0065768), hereafter Karaoguz.

Regarding **claims 1 and 10**, Karaoguz discloses:

A communication system, comprising:

a peripheral device having:

a controller that outputs an operating signal; ([0025], all the devices disclosed here contain a controller that outputs an operating signal of some sort)

a processor that receives the operating signal and formats the operating signal into a data packet that complies with a standard wireless network communication protocol, and then wirelessly transmits the data packet; and ([0025] discloses devices that communicate wirelessly as

disclosed in [0027], therefore the control signals must inherently be converted into data packets to be sent over the networks mentioned.)

a computer having:

a network card that receives the data packet; and (Fig. 3, first communication module 317 (also inherent in link 382), also inherent in link 337)

a program that decodes the data packet into a computer control signal to control the operation of the computer: ([0033] discloses using the user interface device with the computer, therefore a program to interpret the data packets received over the network as control signals is inherent.)

Regarding claims 2 and 11 as applied to claims 1 and 10, Karaoguz discloses:

wherein the standard wireless network communication protocol is the 802.11 serial enacted by IEEE. ([0027], [0063] both disclose the use of 802.11 networks)

Regarding claims 3 and 13 as applied to claims 1 and 10, Karaoguz discloses:

wherein the computer wirelessly transmits a feedback signal to the peripheral device. ([0033] and [0036] both state that information is sent back to the wireless U/I device (in para. 33, audio and video information is transmitted to the device, in para. 36, the identity of the system that the keyboard is communicating to is sent in order to be displayed to the user.)

Regarding claims 4 and 13 as applied to claims 1 and 10, Karaoguz discloses:

wherein the data packet is transmitted in ad-hoc mode. (Fig. 4 discloses an ad hoc wireless network, as there is no access point shown, therefore inherently the network is ad hoc.)

Regarding **claims 5 and 14 as applied to claims 1 and 10**, Karaoguz discloses:

further including an access point which receives the data packet from the processor, and which then forwards the data packet to the computer. (Fig. 3 discloses the U/I device connected to a first system, which then communicates information to the second system. This makes the first system an access point for the device to the second system.)

Regarding **claims 6 and 15 as applied to claims 1, 5, 10, and 14**, Karaoguz discloses:

wherein the network card is a wireless network card, and the access point wirelessly forwards the data packet to the computer. ([0068] discloses that the second module 335 may be wireless)

Regarding **claims 7 and 16 as applied to claims 1, 5, 10, and 14**, Karaoguz discloses:

wherein the network card is a wired network card, and the access point forwards the data packet to the computer in a wired connection. ([0068] discloses that the second module 335 may be wired.)

Regarding **claim 8 as applied to claim 1**, Karaoguz discloses:

wherein the peripheral device is a computer input device. [0025]

Regarding **claim 9 as applied to claim 1**, Karaoguz discloses:

wherein the peripheral device is a pointing device. ([0025] discloses mice, trackballs, and thumbwheels, which are all pointing devices.)

7. Claims 1-3, 5, 7-12, 14, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Sandulescu (US 2005/0027889).

Regarding **claims 1 and 10**, Sandulescu discloses:

A communication system, comprising:

a peripheral device having:

a controller that outputs an operating signal; (Fig. 2A, Device 106)

a processor that receives the operating signal and formats the operating signal into a data packet that complies with a standard wireless network communication protocol, and then wirelessly transmits the data packet; and (Fig. 2A, Device unit 206)

a computer having:

a network card that receives the data packet; and (Fig. 2A, Host unit 204)

a program that decodes the data packet into a computer control signal to control the operation of the computer. (Fig. 2A, Host unit 204)

Regarding **claims 2 and 11 as applied to claims 1 and 10**, Sandulescu discloses:

wherein the standard wireless network communication protocol is the 802.11 serial enacted by IEEE. ([0034] discloses that link 205 may be 802.11).

Regarding **claims 3 and 13 as applied to claims 1 and 10**, Sandulescu discloses:

wherein the computer wirelessly transmits a feedback signal to the peripheral device. ([0033] discloses that the device can both send and receive signals to and from the host)

Regarding **claims 5 and 14 as applied to claims 1 and 10**, Sandulescu discloses:

further including an access point which receives the data packet from the processor, and which then forwards the data packet to the computer. (Fig. 2A Host Unit 204)

Regarding **claims 7 and 16 as applied to claims 1, 5, 10, and 14**, Sandulescu discloses:

wherein the network card is a wired network card, and the access point forwards the data packet to the computer in a wired connection. (Fig. 2A, host Unit 204 forwards data long wired usb connection 103)

Regarding **claim 8 as applied to claim 1**, Sandulescu discloses:

wherein the peripheral device is a computer input device. ([0023] discloses a keyboard)

Regarding **claim 9 as applied to claim 1**, Sandulescu discloses:

wherein the peripheral device is a pointing device. ([0023] discloses a keyboard)

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nelson et al. (US 2005/0027890), discloses a system of wirelessly connecting keyboards and mice to computers. The examiner specifically cites relevant figures 11 and 13, as well as at least [0046].

Kudo (US 2003/0065824), discloses a system for wirelessly controlling devices within a home environment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael E. Keefer whose telephone number is (571) 270-1591. The examiner can normally be reached on Monday through Friday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2154

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NATHAN FLYNN
SUPERVISORY PATENT EXAMINER

MEK 10/4/2007